

Policy: briefing

Homelessness prevention

A discussion about the issues surrounding homelessness prevention and how it can be achieved

Summary

- Shelter welcomes the Government's increased emphasis on homelessness prevention. As a result, local authorities have significantly changed the way they deliver homelessness services. This change has led to sustained reductions in the number of homelessness acceptances.
- Local authorities have a statutory duty to provide assistance to certain categories of homeless applicants. This duty can include providing both emergency temporary accommodation in the short term and ultimately a settled home.
- Shelter strongly supports the prevention of homelessness; however, we believe that the current policy framework around homelessness prevention contains certain ambiguities and tensions that must be resolved if sustainable prevention is to be achieved. These tensions centre around the relationship between homelessness prevention policy and the statutory safety net provided by homelessness legislation.
- People who approach a local authority seeking statutory homelessness assistance are increasingly likely to be offered services such as mediation, sanctuary schemes or rent deposits to help them access accommodation in the private sector.
- While Shelter supports the availability of such prevention options to homeless households, we do not wish to see the assistance under homelessness legislation becoming less accessible to those who need to rely on it.
- Shelter believes that statutory homelessness assistance should continue to be accessible as a safety net to those who need it. Homelessness prevention efforts should focus on identifying those at risk of homelessness and intervening as early as possible to provide them with sustainable solutions. In the long term this would prevent the need for households to approach homelessness departments at all.

Introduction

Homelessness prevention is key to developing an effective response to the problem of homelessness. Local authorities have a long-standing responsibility to help homeless households, but the Homelessness Act 2002 imposed a further duty on them to develop strategies to prevent homelessness arising.

The Government's five-year strategy for tackling homelessness¹, published in 2005, proposed measures to prevent homelessness and meet the target to halve the number of households living in temporary accommodation by 2010. Local authorities responded to this and the publication of a homelessness prevention good practice guide² by significantly changing the way in which they deliver their homelessness services. This change has resulted in significant reductions in the number of homelessness acceptances.³

Shelter strongly supports the prevention of homelessness, but we believe that the current homelessness prevention policy framework contains certain ambiguities and tensions that must be resolved if sustainable prevention is to be achieved.

This briefing discusses homelessness prevention and sets out the key components that must be incorporated into a homelessness prevention strategy if it is to result in genuine prevention.⁴

What is homelessness prevention?

The Government's homelessness prevention strategy reflects a view from local authorities that few people approaching an authority seeking homelessness assistance are literally roofless. The strategy suggests that providing a range of options to people seeking assistance can help them to stay in their homes, or find alternative accommodation, before they actually lose their current home.⁵ According to the strategy, this will result in fewer households needing to apply for statutory homelessness assistance, and thus fewer entering temporary accommodation.

With this in mind, government policy has emphasised the importance of providing advice to those who seek assistance, to fully explore their circumstances and possible remedies to their housing problem. Local authorities have a legal duty to ensure that

homelessness advice and assistance are available to everyone in their area⁶; increasingly, this duty is discharged through a 'housing options interview'. These interviews identify practical options that an applicant could pursue, either to retain their current home or find alternative accommodation. The options are intended to be available to everyone at risk of homelessness, regardless of whether they would qualify for statutory homelessness assistance.

Prevention services

Official statistics reveal three scenarios that most consistently result in households being accepted as homeless: being asked to leave their accommodation by family or friends; relationship breakdown, including domestic violence; and the ending of a private rented sector assured shorthold tenancy.⁷ The Government's homelessness prevention strategy has encouraged local authorities to develop services to respond to the above situations before they lead to homelessness. Such services include the following:

- **Rent deposit schemes** These facilitate access to the private rented sector for households which would otherwise be unable to afford the upfront fees usually required. Such schemes are the most popular prevention option offered by authorities.⁸
- **Homelessness mediation** This is offered to people who have been asked to leave their accommodation by family or friends. In particular, this service targets young people leaving home.
- **Supported lodgings schemes** These involve members of the community providing a room as temporary respite accommodation for young people leaving the family home.
- **Sanctuary schemes** These involve the creation of a safe room in the home of a domestic violence victim that can act as a refuge if violence occurs.

Practicalities of implementation

Homelessness prevention strategies incorporating the schemes outlined above have been introduced across England, with government funding, targets and incentives to encourage successful implementation of the new approach. For example, in 2005, the Government introduced a Best Value Performance Indicator (BVPI 213)⁹ to assess local authority performance in preventing homelessness through

1 Office of the Deputy Prime Minister (ODPM), *Sustainable communities: settled homes; changing lives*, March 2005.

2 Department for Communities and Local Government (DCLG), *Homelessness prevention: a guide to good practice*, June 2006.

3 'Homelessness acceptances' refers to households which are owed a full housing duty under Part 7 of the Housing Act 1996.

4 This briefing should be read in conjunction with the related Shelter policy briefings: *Homelessness prevention and the private rented sector; Homelessness prevention and sanctuary schemes; Homelessness prevention and mediation*, August 2007.

5 ODPM, *Sustainable communities: settled homes; changing lives*, March 2005, para 3.14.

6 s.179(1) Housing Act 1996, as amended by Homelessness Act 2002.

7 CLG, *Statutory homelessness: 1st quarter 2007, England*, CLG statistical release 2007/0109, June 2007.

8 ODPM, *Survey of English local authorities about homelessness – policy briefing 13*, December 2005, page 14.

9 DCLG, *BVPI 213 on prevention of homelessness through housing advice*, July 2005.

the provision of housing advice. According to official statistics, the number of households accepted as homeless and owed a rehousing duty has decreased since the introduction of these prevention measures, as has the number of households living in temporary accommodation.¹⁰

Shelter believes that investment in homelessness prevention can lead to substantial cost savings by avoiding the expenses associated with the consequences of homelessness, such as legal costs from evictions. The continuation of funding for homelessness prevention activities is vital. Shelter calls on the Government to commit to increasing the annual budget for prevention services to £110 million by 2011 in the 2007 Comprehensive Spending Review.

The statutory safety net

One of the key issues arising from the provision of homelessness prevention services is the way in which these services interact with local authorities' statutory homelessness duties.

Authorities' legal duties towards certain homeless applicants incorporate two main components. Firstly, they must assess any applicant who they believe may be homeless or threatened with homelessness, and provide temporary accommodation pending their inquiries where they believe an eligible applicant may have a priority need. The threshold for triggering this duty is deliberately low to ensure that homeless households do not have to prove their circumstances before receiving accommodation and support. Secondly, households owed a full duty must be provided with accommodation while a settled housing solution is found for them.

By law, the entitlement to assistance extends beyond rooflessness to include those whose housing is unsuitable, those who cannot access their accommodation, and those facing eviction. While relatively few people approaching local authorities will be roofless, many will fall into this wider definition of homelessness and may therefore be entitled to housing assistance. This law has been instrumental in ensuring that many homeless households can access temporary accommodation immediately, as well as obtain long-term solutions to their housing problems.

Prevention in practice

Where a duty exists under the statutory homelessness framework to assess a household and provide temporary accommodation, households should be

free to decide whether to accept such assistance, in addition to any other options offered under the authority's homelessness prevention services. While Shelter strongly supports the provision of a wider range of housing options, it is vital that the provision of such options does not impose a barrier to the statutory safety net for those entitled to rely upon it.

A key area of ambiguity surrounds the point during the housing options process when local authorities should be offering a homelessness application. The Government's good practice guide to homelessness prevention states that housing options interviews should never replace or delay a statutory homelessness application and assessment where there is reason to believe that the applicant may be homeless or threatened with homelessness. The guide emphasises that interviews should not be inspired by a 'gatekeeping' mentality.¹¹ However, other aspects of the guide appear to conflict with this. In particular, the guide suggests a two-stage process for households that are likely to be eligible and have a priority need for homelessness assistance, 'with options and prevention considered first, but with safeguards in place where a person is eligible for and requires assistance under the homelessness legislation'.¹²

The target to halve the number of households living in temporary accommodation by 2010, combined with the shortage of social rented housing, has undoubtedly created a strong incentive for local authorities to pursue homelessness prevention as a means of reducing the number of homelessness acceptances. In a recent case before the High Court, the judge advised that any homelessness prevention steps must exist alongside, and not replace, statutory homelessness duties.¹³ Shelter urges local authorities to review their practices in light of this advice and to implement all necessary measures to ensure that their homelessness prevention services do not impose barriers to statutory assistance.

Achieving sustainable prevention

Shelter's vision is to end homelessness and ensure sustainable, long-term housing solutions are available to all. Our concern about some of the prevention options currently being promoted is that they may only provide a short-term response to long-term housing problems. Although effective at preventing rooflessness, and thus reducing the number of homelessness acceptances, some options may not be successful in providing long-term housing solutions.

¹⁰ Between 2003–04 and 2006–07, the number of homelessness acceptances decreased by 46 per cent, from 135,430 to 73,360.

Between 2004 and 2007, the number of households in temporary accommodation decreased by 11 per cent, from 97,680 to 87,120. CLG, *Statutory homelessness*, 1st quarter 2007, England, CLG statistical release 2007/0109, June 2007.

¹¹ DCLG, *Homelessness prevention: a guide to good practice*, June 2006, para 2.11.

¹² *Ibid*, paras 2.8 and 3.1.

¹³ *R (on the application of Aweys and Others) v Birmingham City Council* [2007] EWHC 52 (Admin).

The Government has identified three stages at which local authority intervention can prevent homelessness:

- early intervention – those at risk are identified and services provided to prevent problems escalating
- pre-crisis intervention – advice services, mediation or negotiation with landlords to avoid the imminent loss of a home
- preventing recurring homelessness – tenancy sustainment services are provided to address other support needs.¹⁴

The Government's prevention approach focuses on the pre-crisis intervention stage. Although Shelter acknowledges that prevention at this stage has a role to play, we believe that the Government's strategy needs to be rebalanced to focus more on earlier

intervention. At the same time the homelessness legislation must continue to function as a safety net for those in need. The Government and local authorities should work on identifying those at risk of homelessness and providing them with sustainable solutions, with the ultimate aim of reducing the need for statutory homelessness assistance.

Shelter has published a good practice guide on the early identification and prevention of homelessness that sets out some of the measures necessary to implement such an approach.¹⁵ These include pre-tenancy assessments, early warning systems to highlight rent arrears, and joint protocols for sharing information about people vulnerable to homelessness. Other urgent measures that could play a vital role in reducing the likelihood of households becoming homeless in the first place are outlined below.

Recommendations

Extending the prevention approach

- The Government should broaden its prevention approach, tackling the causes of homelessness at a much earlier stage.
- Prevention services should be available to all households who opt for them.
- Delaying homelessness should not be considered homelessness prevention.
- The Comprehensive Spending Review 2007 must provide continued funding for homelessness prevention services.

Applying the legislative framework

- All households approaching local authorities as homeless should be able to access their full legal rights.
- Housing options interviews should not restrict access to the homelessness safety net.
- Temporary accommodation should be available even while an alternative option is pursued or if one may be pursued later.

Tackling the causes of homelessness

- The Government should make available investment to fund the provision of sufficient social rented homes to meet existing and newly arising need.
- Tenancy sustainment services should be available in every local authority.
- Funding for civil legal aid should be increased and ring-fenced, to enable those facing possession proceedings to access independent legal advice.
- The Government should work with landlords to promote better security of tenure in the private sector to tackle the high number of section 21 evictions leading to homelessness applications.
- The Government should amend the law to abolish the automatic eviction of assured tenants if they have eight or more weeks of rent arrears. Currently, the courts have no choice but to issue a possession order, regardless of the circumstances.

¹⁴ DCLG, *Homelessness prevention: a guide to good practice*, June 2006, para 2.2.

¹⁵ Shelter, *Homelessness: early identification and prevention*, April 2007.

Shelter, the housing and homelessness charity

Everyone should have a home

88 Old Street
London EC1V 9HU

www.shelter.org.uk/policybriefings

Registered charity number 263710

Shelter